

MONTANA LEGISLATIVE HISTORY

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Chapter 536 19 95

Bill H _____ S 226

Original bill & history ✓ c

H. Committee on Human Services & Aging

S. Committee on Public Health Welfare & Safety

Hearing Date(s) Mar 10 ✓ c

Hearing Date(s) Feb 12 ✓ c

Mar 22 ✓ c

_____ c

Mar 31 ✓ c

_____ c

_____ c

_____ c

Date Out Mar 31 ✓ c

Feb 18 ✓ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

3/06 REVISED FISCAL NOTE RECEIVED, AS AMENDED
 BY THE NATURAL RESOURCES COMMITTEE
 3/06 REVISED FISCAL NOTE PRINTED
 3/08 HEARING
 3/16 TABLED IN COMMITTEE
 DIED IN COMMITTEE

SB 226 INTRODUCED BY KEATING, ET AL.
 REVISE COUNSELING LAWS

1/23	INTRODUCED		
1/23	FIRST READING		
1/23	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/24	FISCAL NOTE REQUESTED		
1/30	FISCAL NOTE RECEIVED		
1/30	FISCAL NOTE PRINTED		
2/17	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	50	0
2/21	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/22	FIRST READING		
2/22	REFERRED TO HUMAN SERVICES & AGING		
3/10	HEARING		
3/23	TABLED IN COMMITTEE		
4/04	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/06	2ND READING CONCURRED	75	20
4/07	3RD READING CONCURRED	76	20
	RETURNED TO SENATE WITH AMENDMENTS		
4/10	ALLOWED HOUSE AMENDMENTS TO BE CONSIDERED AFTER 73RD DAY TRANSMITTAL DEADLINE	47	0
4/11	2ND READING AMENDMENTS CONCURRED	47	0
4/12	3RD READING AMENDMENTS CONCURRED	49	0
4/13	SIGNED BY PRESIDENT		
4/13	SIGNED BY SPEAKER		
4/17	TRANSMITTED TO GOVERNOR		
4/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 536		
	EFFECTIVE DATE: 01/01/96		

SB 227 INTRODUCED BY WELDON, ET AL.
 REDUCE AREA IN WHICH A MUNICIPALITY MAY ENFORCE ITS BUILDING
 CODE FROM 4 1/2 MILES TO 1/8 MILE

1/23	INTRODUCED		
1/23	FIRST READING		
1/23	REFERRED TO LOCAL GOVERNMENT		
1/24	FISCAL NOTE REQUESTED		
1/30	FISCAL NOTE RECEIVED		
1/30	FISCAL NOTE PRINTED		
2/07	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/16	2ND READING PASSED AS AMENDED	24	23
2/17	3RD READING PASSED	27	23
	TRANSMITTED TO HOUSE		
2/20	FIRST READING		
2/20	REFERRED TO LOCAL GOVERNMENT		
3/04	REVISED FISCAL NOTE RECEIVED, FOR BILL AS AMENDED IN LOCAL GOVERNMENT COMMITTEE		
3/11	REVISED FISCAL NOTE PRINTED		

SENATE BILL NO. 226

INTRODUCED BY

Keating B. Brundage

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNSELING LAWS; REVISING THE DEFINITION OF PROFESSIONAL COUNSELING; REQUIRING LICENSURE TO ENGAGE IN THE PRACTICE OF PROFESSIONAL COUNSELING OR FOR A PERSON TO REPRESENT THAT THE PERSON IS A PROFESSIONAL COUNSELOR OR COUNSELOR; AUTHORIZING COUNSELING BY AN INDIVIDUAL WORKING TO COMPLETE CERTAIN COUNSELING REQUIREMENTS; AMENDING SECTIONS 37-23-102, 37-23-201, AND 37-23-311, MCA; AND PROVIDING A DELAYED DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-23-102, MCA, is amended to read:

"37-23-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Board" means the board of social work examiners and professional counselors established under 2-15-1854.

(2) "Licensee" means a person licensed under this chapter.

(3) "Professional counseling" means engaging in methods and techniques that include:

(a) ~~counseling, which means assisting an individual or a group, through the counseling relationship, to develop understanding of intrapersonal and interpersonal problems, to define goals, to make decisions, to plan a course of action reflecting his or their needs, interests, and abilities, and to use informational and community resources~~ the therapeutic process of:

(i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; and

(ii) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health;

(b) ~~appraisal~~ assessment, which means selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal characteristics and using nonstandardized methods and techniques for understanding human

behavior in relation to coping with, adapting to, or changing life situations;

(c) ~~technical assistance, which means applying scientific principles and procedures in counseling, guidance, and human development to provide assistance in understanding and solving a current or potential problem that an individual may have in relation to another individual, a group or organization, or other third party~~ counseling treatment intervention, which means those cognitive, affective, behavioral, and systemic counseling strategies, techniques, and methods common to the behavioral sciences that are specifically implemented in the context of a therapeutic relationship. Other treatment interventions include developmental counseling, guidance, and consulting to facilitate normal growth and development, including educational and career development; and

(d) referral, which means evaluating information to identify needs or problems of an individual and to determine the advisability of referral to other specialists, informing the individual of ~~such~~ the judgment, and communicating as requested or considered appropriate with ~~such~~ the referral sources."

Section 2. Section 37-23-201, MCA, is amended to read:

"37-23-201. Representation or practice as licensed clinical professional counselor -- license required. (1) Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical professional counselor", "professional counselor", or "counselor".

(2) Except as provided in subsection ~~(2)~~ (3), a person may not represent that the person is a licensed professional counselor or licensed clinical professional counselor by adding the letters "LPC" or "LCPC" after the person's name or by any other means, engage in the practice of professional counseling, represent that the person is engaged in the practice of professional counseling, or represent that the person is a counselor, unless licensed under this chapter.

~~(2)(3)~~ Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed professional counselor" or "LPC" may use the title "licensed clinical professional counselor" or "LCPC".

~~(3)(4)~~ Subsection ~~(1)~~ (2) does not prohibit:

(a) a qualified member of another profession, such as a physician, psychologist, lawyer, pastoral counselor, probation officer, court employee, nurse, social worker, school counselor, ~~or~~ educator, or chemical dependency counselor certified pursuant to 53-24-215 from professional counseling consistent with that person's training if the person does not use a title or description incorporating the words "licensed

~~professional counselor", "licensed counselor", "professional counselor", "licensed clinical professional counselor", or "licensed clinical counselor"~~ performing duties and services consistent with the person's training and the code of ethics of the person's profession as long as the person does not represent by title or practice that the person is engaging in the practice of professional counseling;

(b) an activity or service or use of an official title by a person employed by a federal, state, county, or municipal agency or an educational, research, or charitable institution that is a part of the duties of the office or position;

(c) an activity or service of an employee of a business establishment performed solely for the benefit of the establishment's employees;

(d) an activity or service of a student, intern, or resident in mental health counseling pursuing a course of study at an accredited university or college or working in a generally recognized training center if the activity or service constitutes a part of the supervised course of study;

(e) an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year, if the person is authorized under the law of the state or country of residence to perform ~~such~~ the activity or service. However, ~~such~~ the person shall report to the department of commerce the nature and extent of the activity or service if it exceeds 10 days in a calendar year.

(f) pending disposition of the application for a license, the activity or service by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform ~~such~~ the activity or service in the state of ~~his~~ the person's former residence;

(g) an activity or service of a person who is working to satisfactorily complete the 3,000 hours of counseling practice required for licensure by 37-23-202(1)(b) if the person has already completed a planned graduate program as required by 37-23-202(1)(a)."

Section 3. Section 37-23-311, MCA, is amended to read:

"37-23-311. Misdemeanor violations -- penalties. (1) It is a misdemeanor for a person to knowingly:

(a) engage in the practice of professional counseling or represent himself as that the person is a licensed professional counselor without being licensed under this chapter;

(b) obtain or attempt to obtain a license or license renewal by bribery or fraudulent representation;

1 or

2 (c) make a false statement on any form used by the board to implement this chapter or the rules
3 adopted under this chapter.

4 (2) A person convicted under this section shall be imprisoned in the county jail for a period not
5 exceeding 6 months or fined not more than \$500, or both. A person convicted of any subsequent offense
6 under this section shall be punished by both ~~such~~ fine and imprisonment."

7

8 NEW SECTION. **Section 4. Effective date.** [This act] is effective January 1, 1996.

9

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0226, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising counseling laws; revising the definition of professional counseling; requiring licensure to engage in the practice of professional counseling or for a person to represent that the person is a professional counselor or counselor; authorizing counseling by an individual working to complete certain counseling requirements.

ASSUMPTIONS:

1. This bill primarily changes Title 37, Chapter 23, from a professional counselors title act to a practice act.

FISCAL IMPACT:

There would be no fiscal impact to the Department of Commerce.

David Lewis 1-28-95
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Keating
THOMAS F. KEATING, PRIMARY SPONSOR DATE
Fiscal Note for SB0226, as introduced

SB 226

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By CHAIRMAN JIM BURNETT, on February 17, 1995, at
12:05 PM

ROLL CALL

Members Present:

Sen. James H. "Jim" Burnett, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Mike Sprague (R)
Sen. Dorothy Eck (D)
Sen. Eve Franklin (D)
Sen. Terry Klampe (D)

Members Excused: Sen. Arnie A. Mohl (R)

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 226, SB 293, SB 307, SB 401
Executive Action: SB 226, SB 293, SB 307, SB 401, SB 194

{Tape: 1; Side: 1}

HEARING ON SB 226

Opening Statement by Sponsor:

SENATOR TOM KEATING, SD 5, Billings, said SB 226 deals with the licensed professional counselor, who has a level of education, training and expertise that fits into the continuum of various counseling, including psychiatric and mental health. There are psychiatrists, clinical psychologists, social workers, licensed professional counsellors, plus other types of counselors, including education, chemical dependency, etc. The word counselor gets to be a generic term, allowing people to hang out a shingle and call themselves professional counselors, but are not licensed and offering a level of service that is not as high as it is for a licensed professional counselor. The licensed professional counselors want to tighten up the statutes to protect the public

and make sure the public receives the level of service advertised on the shingle.

There will be some amendments to the bill, and there are sufficient exemptions to avoid interference with education, chemical dependency, or spiritual counselors. The intent is not to require licensure of all counselors, but want to make sure licensed professional counselors are the ones who can call themselves professional counselors. Anyone else who wants to be a "professional counselor" must be licensed.

Proponents' Testimony:

Dr. Bob Bakko, Licensed Professional Counselor, Executive Director of Northwest Counseling Centers, said the problem is, anybody can put a shingle out as a counselor in the state of Montana. The title law that protects licensed professional counseling is strictly a title law, but does not protect the practice, with consumer protection related directly to those who are licensed, not those who are unlicensed. **EXHIBIT 1.**

He handed out samples of advertising by those who are unlicensed to practice and present themselves in a way that is beyond their scope of practice. **EXHIBIT 2.**

SB 226 is a consumer protection bill, not intended to exclude, but intended to bring clarity.

Dr. Quniton Hehn, Licensed Professional Counselor, private practice in Missoula, and President of Montana Mental Health Counselors Association, spoke in support of SB 226. He said it will help defend some very vulnerable people, those seeking mental health counseling, in the state of Montana. SB 226 provides a chance for those seeking mental health counseling to know the counselor is trained and competent when they go in the door. MMHCA worked with legislators to establish a law, in Montana, that is in keeping with the National Uniform Standards for Clinical Practice. SB 226 takes the next step to help protect the people of Montana.

Mary McCue, Lobbyist and legal counsel to Montana Clinical Mental Health Counselors Association, reviewed the amendments to SB 226, which were suggested by the other professions and those who would be impacted by the bill. **EXHIBIT 3.** She referred to amendments 1, 2, and 3 for page 2, lines 17, 20 through 22. The words counselor and counseling are too broad, and too general to try to protect with this legislation, so are deleting the reference to counselor. Amendments 3-5 all relate to one another. These amendments were requested by chemical dependency counselors. Amendment 6, referring to volunteers, and amendments 7-11, refers to social workers and psychologists, who were concerned with the language on page 3, line 4. These amendments provide social workers and psychologists with an absolute exemption.

Carl Bodek, Licensed Professional Clinical Counselor in Missoula, spoke in support of SB 226. He said this bill protects the public, counselors, and protects the profession.

Gloria Hermanson, representing Montana Psychological Association, said they support SB 226, but only if the amendments proposed are included.

Bob Torres, representing Montana Chapter, National Association of Social Workers, said they support the concept of SB 226 with the amendments.

Pat Melby, representing Rimrock Foundation in Billings, spoke in support of SB 226 with the amendments proposed.

Darryl Bruno, Administrator, Alcohol and Drug Abuse Division, Department of Corrections and Human Services, spoke in support of SB 226.

Opponents' Testimony:

Robert Hagstrom, Licensed Professional Counselor from Billings, said he and his wife have a business in Billings called Christos Therapy, a Christian counseling service. He is licensed by the state of Montana and his wife is not. He spoke briefly from his written testimony. EXHIBIT 4.

Questions From Committee Members and Responses:

SENATOR BENEDICT wondered if Robert Hagstrom's wife should call herself a counselor without meeting the requirements, and why she can't call herself something other than a counselor.

Robert Hagstrom said she doesn't call herself a professional counselor or a licensed professional counselor, but instead, calls herself a biblical counselor, using the scriptures. She is not adverse to using psychological principles, and refers people to psychologists.

SENATOR BENEDICT asked why the people who are on the fringes of counseling, but are not licensed and don't meet the requirements, can't call themselves something else besides a counselor, like advisor.

Robert Hagstrom said he didn't know.

SENATOR BENEDICT asked about the statement from Robert Hagstrom that SB 226 would take away about 50% of their income, and why anyone, faced with the loss of income due to inadequate education or training to meet requirements, wouldn't make an effort to obtain the training necessary.

Robert Hagstrom said SB 226 just came up and the date for meeting the requirements is January 1996. He said education is one of the options, but for his wife to go back to school now, it will require years.

SENATOR BENEDICT asked why Robert Hagstrom's wife couldn't continue her work, but call herself something different.

Robert Hagstrom said she could call herself a pastoral counselor, but if this bill ever goes to court, how would a pastoral counselor be interpreted.

SENATOR BENEDICT said maybe she needs to call herself a pastoral advisor. If she wants to use the word counselor, she needs to do what it takes to be called a counselor.

SENATOR FRANKLIN asked about the eligibility for third-party reimbursement.

Robert Hagstrom replied that he is eligible.

SENATOR ECK asked about other people in their office who counsel, whether they're eligible.

Robert Hagstrom said, he and his wife are the only ones in their office. He is eligible but his wife is not.

SENATOR ECK asked about the use of the word counselor in the amendments.

Mary McCue said, with the amendments, a person still could call themselves a counselor, because the use of the word "counselor" is not restricted, but the practice of counseling is restricted.

SENATOR BAER asked SENATOR KEATING if he had approved or disapproved the amendments, as presented.

SENATOR KEATING said he accepted the amendments as presented.

SENATOR SPRAGUE asked if the public will understand the difference between counselor, professional counselor, licensed professional counselor, and all the ramifications. Has the consumer been helped?

SENATOR KEATING said the public is becoming more aware of the various levels of education and application for mental health, for subacute emotional disturbances versus acute psychiatric problems. People will seek out levels of mental health treatment based on cost and appropriate needs.

Closing by Sponsor:

SENATOR KEATING requested SB 226 be amended. The bill doesn't intend to prevent people from calling themselves counselors, as long as they preface it with the level of expertise they intend to practice. No license is required to be a counselor, but using the title Professional counselor requires being licensed. There is opportunity, in this bill, for people to continue in training,

to get the hours needed to be licensed. This bill is designed to protect the public.

HEARING ON SB 307

Opening Statement by Sponsor:

SENATOR ETHEL HARDING, SD 37, Polson and Lake County, said SB 307 clarifies acupuncture. She presented several facts about acupuncture. EXHIBIT 5.

Proponents' Testimony:

Donald Beans, has been licensed to practice acupuncture in Montana for 15 years, is the founding President of Montana Association of Acupuncture and Oriental Medicine, and is the liaison between the Montana Association and the Board of Medical Examiners. He has met with the Board of Medical Examiners many times, with the purpose of elevating the standards of practice of acupuncture in Montana. Together, they formulated and made rules, which have been brought into the law, relating to ethics guidelines, charting guidelines, and sterilization procedures. SB 307 is the next step in this process, clarifying the definition of the act and scope of practice of acupuncture. The Montana Association of Acupuncture and Oriental Medicine will continue to work with the Medical Board and the Legislature to ensure that Montanans have access to safe and effective acupuncture and oriental medical services provided by fully qualified practitioners.

Sara Marie, state licensed and nationally certified Acupuncturist, President of the Montana Association of Acupuncture and Oriental Medicine, said SB 307 is asking for the addition of Acupressure and Oriental food therapy. She said licensed acupuncturists are well educated and versed in these subjects. She presented the education and training for acupuncture. EXHIBIT 6.

Steve Yeakel, representing the Acupuncture and Oriental Medicine Association, spoke in support of SB 307. He referred to fact number 3 of the fact sheet, EXHIBIT 5, or lines 1-3, page 2 of SB 307, EXHIBIT 7. The changes proposed are intended to remove any notion of turf battle from the legislation. The bill is only intended to address the acupuncturists scope of practice.

Florie Hamrahan, a client of a licensed acupuncturist is a strong proponent of acupuncture because of the physical results she is getting and the cost. She started going to an acupuncturist about 6 years ago, after having 2 years of chronic pain due to a car accident. She had spent several thousand dollars on pain relief remedies, then went to an acupuncturist. After about \$100.00 worth of treatment, she was out of pain, and became a believer. She has had chronic sinus problems for many years, without relief, but with acupuncture and various herbs, she has had satisfying results.

Vote: The Do Pass motion for SB 293 AS AMENDED CARRIED
UNANIMOUSLY.

EXECUTIVE ACTION ON SB 226

Motion/Vote: SENATOR ECK moved the AMENDMENTS to SB 226 DO PASS.
The Do Pass motion for the AMENDMENTS to SB 226 AS CARRIED
UNANIMOUSLY.

Motion/Vote: SENATOR FRANKLIN moved SB 226 DO PASS AS AMENDED.
The Do Pass motion for SB 226 AS AMENDED CARRIED UNANIMOUSLY.

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

ROLL CALL

DATE 2/17/95

[illegible]

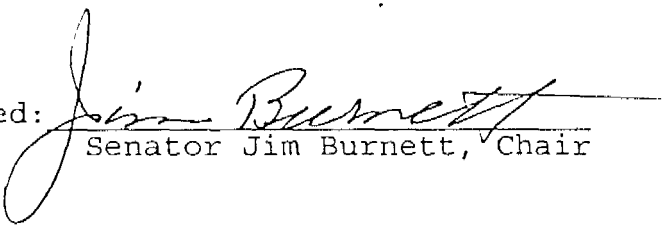
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CS-09

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 18, 1995

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration SB 226 (first reading copy -- white), respectfully report that SB 226 be amended as follows and as so amended do pass.

Signed: 
Senator Jim Burnett, Chair

That such amendments read:

1. Title, line 7.
Strike: "OR COUNSELOR"
2. Page 2, line 17.
Following: "counselor"
Strike: "1"
Insert: "or"
Following: "professional counselor"
Strike: ", or 'counselor'"
3. Page 2, line 20.
Following: "counseling,"
Insert: "or"
4. Page 2, lines 21 and 22.
Following: "professional counseling"
Strike: the remainder of line 21 through "counselor" on line 22
5. Page 2, line 27.
Strike: "psychologist,"
6. Page 2, line 28.
Strike: "social worker,"
7. Page 3, line 3.
Strike: "training"
Insert: "licensure or certification"
8. Page 3, line 4.
Strike: "or practice"
9. Page 3, line 5.
Following: "employed by"
Insert: "or acting as a volunteer for"
10. Page 3, line 24.

 Amd. Coord.

 Sec. of Senate

420959SC.SPV

Following: "37-23-202(1)(a)"

Insert: "or is working to complete the 3,000 hours of social work
experience as required by 37-22-301; or

(h) an activity or service performed by a licensed social
worker or licensed psychologist"

11. Page 3, line 28.

Following: "professional counseling"

Insert: ", except as provided in 37-23-201(4)(g),"

-END-

NORTHWEST COUNSELING CENTERS, INC.

EXHIBIT NO. 1

DATE 2/17/95

BILL NO. SB 226

January 24, 1995

Senator Burnett
Capitol Station
Helena, MT

Dear Senator Burnett,

I am writing to encourage your support of Senate Bill 226.

SB 226 will provide consumer protection and strengthen the title law for Licensed Clinical Professional Counselors.

In the 1993 Legislature we updated our training standards and clinical supervision requirements. Montana has one of the strongest laws for Licensed Clinical Professional Counselors in the country.

With Senate Bill 226 we wish to add "practice" protection for the practice of professional counseling.

The problem is two fold: (1) Counseling is not a protected profession in Montana. Any person or persons can advertise and charge fees for "counseling", giving the impression they are trained clinicians. These individuals do not need a License or any formal training since the current title law does not protect the practice of counseling. The consumer is unprotected. Approximately seventy five percent of all complaints to the Licensure Board are against unlicensed persons who claim to be qualified to do counseling with no governing accountability. Psychology and Social Work are specific professional titles which have their own identity. Professional counseling or counseling has been and is a misused title. (2) The insurance industry including HMO's, Managed Care and EAP's all require their providers meet clinical standards. In Montana we are Licensed to do clinical work but the strength of the License is "only" in the title not the practice.

Passage of Senate Bill 226 would provide consumer protection and at the same time enable LCPC's to better compete in the marketplace with the evolution of health care.

I strongly urge you to support the passage of Senate Bill 226.

Administrative Office
1004 DIVISION STREET
SUITE 200
BILINGS, MT 59101
406-259-6161
FAX 406-259-3677

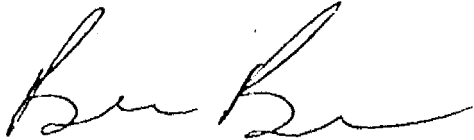
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P.O. BOX 1181
FOURTH, MT 59327
406-356-2833

104 EAST MAIN
SUITE 213
BOZEMAN, MT 59715
406-586-4145

125 WEST GRANITE
SUITE 200A
BUTTE, MT 59701
406-723-5405

Please feel free to contact me with any questions or concerns. I will also be available when this Bill is introduced to the Public Health, Welfare and Safety Committee.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Bob Bakko', written in dark ink.

Dr. Bob Bakko
Licensed Clinical Professional Counselor
Certified Clinical Mental Health Counselor
Director Northwest Counseling Centers Inc.

EXAMPLES OF MISREPRESENTATION

From local yellow pages

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BOZEMAN

Liz Shanahan, M. Coun.
National Certified Counselor

- Sexual Abuse Issues
- Women's Issues
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Patricia Atwood, MHS, CCDC • Carol Habets, BA, CCDC

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**June Safty Odegard, MS
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**Box 26
Whitehall, Montana 59276**

Bob Bakko,

I would like to introduce my self and my new business that recently opened in Scobey. I received my Master's in Marriage & Family Therapy from Montana State University in Bozeman. My Bachelor's was in Alcohol & Addiction Studies from Minot State University. I will be offering services that include couple, family, individual and group therapy.

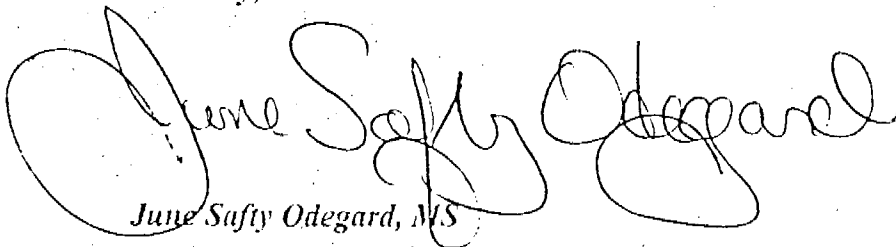
Some of my professional pursuits involve the creation and leadership of a group for couples called BECOMING INTIMATE and the development of a model of marital commitment. Even though working with and researching couples is what I refer to as my passion, I also find working with individuals, families and groups gratifying. Enclosed you will find my brochure.

I was given your name by Carwin Dover and would appreciate your consideration in the future if you consider expanding into Northeastern Montana and hiring another therapist.

*My fees are \$40/session or \$70/ 2-hour session.
The fee for an initial two-hour consultation is \$100.*

*Please contact me if you have any questions or would like more brochures or business cards.
I appreciate your consideration along with any future referrals.*

Sincerely,



June Safty Odegard, MS

DATE 2-17-95

SB 226

Do I have to be sick or crazy?

This is a common myth. Actually, emotional wellness considers far more than the absence of sickness. Emotional health is the ability to cope or find the resources necessary for resolution. We all find ourselves stuck, broken, bruised or confused. While therapy is helpful during these times, it can also be about awareness, enhancement, and growth. *Prevention is possible.* When exhaustion is reached more financial, physical, spiritual, intellectual, and emotional resources are needed to reestablish.

**Choosing therapy as a resource
is a sign of health not sickness.**

What is Marriage & Family Therapy?

Marriage & Family Therapy perceives the *"whole is greater than the sum of its parts."* Because we do not exist in isolation, it is helpful to consider how all aspects of relationships interrelate to provide a broader perspective. . . even when working individually. Therefore, relationships are *worked with* rather than discussed when possible. However, individual identities are never sacrificed or families blamed.

How do I get started?

Call to set up an appointment for a consultation.

A consultation is a 2-hour opportunity that allows you to experience the process and discuss why you are considering therapy. A brief history is obtained to explore your goals and expectations. Extra time is allowed to discuss policies, fees and schedules. This allows you to decide if your needs are compatible with my recommendations and services. We can also look at other options that might be available.

If you have questions or would like information regarding fees, please contact me at:

**406-779-3339
Office in Scobey**

provided by
**June Safty Odegard, MS
Marriage & Family Therapist**

**Another Way Therapy
for
Relationships**

Ask about 2/hour sessions or
marathon therapy sessions
which maybe more considerate
of your time & finances.

**what is
therapy
anyway?**

**Answers
to
questions most asked
about therapy**

What is therapy, anyway?

Therapy is a process not event.
It encourages you to "fish rather than catching the fish for you!"
Therapy is a process that requires participation.
It is not something done to you.

Therapy is *reassuring, revealing, refreshing, renewing and rewarding.*
That is not to say therapy is always comfortable. Sometimes the thought of going to therapy is scary. This makes sense as fear of the unknown is normal. At times it is hard to experience the emotions which are a natural part of the growth process. Other times change is stressful even when it is desired.

Therapy is an opportunity to:

improve relationships
find solutions
generate alternatives
strengthen weaknesses
resolve resentments
navigate life transitions
manage stress
learn communication skills

Therapy is an opportunity to explore the interaction of thoughts, feelings, & behaviors in relationships. It is not being told what to think, feel, or do.

Therapy is usually considered when there is a desire for something to happen differently.

What can you expect from me as a therapist?

confidentiality
clarification & feedback
support & security
a fresh perspective
objectivity
recommendations
respect & honesty

As a therapist I do not have a magic wand or instant cures. However, you can expect that I will help you explore, verify, and reach your goals. You can expect I will help determine if your goals are realistic and feasible in the time frame you anticipate.

How long will this take?

The average time is 4-12 sessions.

Sometimes during the process, it is realized that the initial goal is not the area that would benefit most from therapy.

Sometimes once the initial goal is reached, there is more energy to consider other goals.

Other times a stronger foundation is necessary before goals may be achieved.

Sometimes one revision begins sufficient movement toward goals.

Other times it takes a while.

Change is a choice!

or perhaps

Positive change is a choice!

People change differently.

Some choose therapy to facilitate change.

Some of those come once.

Some come for a while.

Some come for a long while.

Some come once in a while.

With therapy change can be less frustrating and stressful.

With or without therapy, positive change is a choice!

Take yourself a day off—a day to laugh, be with friends, and restore yourself.

4th Anniversary of
The Women's Center
Saturday
February 18
8:30am – 1:30pm
Billings Sheraton Hotel



Keynote Address
"The Virtues of Selfishness"
C. Jane Estelle, ATR, LCPC, Registered Art Therapist

- Workshops — Choose Two**
- "I'm Not Creative but I'll Take This Workshop Just for Fun" C. Jane Estelle
 - "Freeing the Energy Within Anger" Melinda L. Payne, MD, Psychiatrist
 - "Turning Points—Exploring the Issue of Loss" Robyn Rebl Mundy, MS, Counseling Nurse Therapist
 - "Meditation...Is Listening to Your Inner Wisdom" Monique Mandali, MA, Psychotherapist

Luncheon Theater
"What Mother Never Told You 'Cause Nobody Told Her Either"
Written by David Parris in collaboration with Judy McEnany, PhD,
Assistant Professor of Education, MSU-Billings.

**\$25/\$20 for Women's
Center members**
Call 657-8730
to reserve your place.

We've added a second
performance of the
play at 7:30pm.
Tickets are available in advance
at The Women's Center or at
the door. \$10



sponsored by the Saint Vincent Hospital Women's Center

Amendments to Senate Bill 226
Prepared by Mary McCue
Montana Clinical Mental Health Counselors Association

1. Page 2, line 17.
Following: "counselor"
Strike: "1"
Insert: "or"
Following: "professional counselor"
Strike: "or 'counselor'"
2. Page 2, line 20.
Following: "counseling"
Strike: "1"
Insert: "or"
3. Page 2, lines 21 and 22.
Following: "professional counseling"
Strike: "1, or represent that the person is a counselor"
4. Page 3, line 3.
Strike: "training"
Insert: "licensure or certification"
5. Page 3, line 4.
Strike: "or practice"
6. Page 3, line 5.
Following: "employed by"
Insert: "or acting as a volunteer for"
7. Page 3, line 24.
Following: "37-23-202(1)(a)"
Insert: "or is working to complete the 3,000 hours of social work experience as required by 37-22-301"
8. Page 3, line 28.
Following: "professional counseling"
9. Page 2, line 27.
Strike: "psychologist,"
10. Page 2, line 28.
Strike: "social worker,"
11. Page 3, line 24.
Following: "37-23-202(1)(a)"
Insert: " ;
(h) an activity or service performed by a licensed social worker or licensed psychologist"

**Presentation to the Senate Committee
of
Public Health, Welfare, and Safety
on SB 226**

**Chairman, Senator James Burnett
Friday, February 17th, 1995**

By: Robert S. "Biff" Hagstrom, Jr., M.S., L.C.P.C., N.C.C.

Chairman Burnett,
Vice-Chairman Benedict;
and
Distinguished Men and Women of Montana

I stand before you today as someone who is particularly threatened by SB 226. My wife and I are Christian Counselors in Billings. I am licensed by the State of Montana, a Licensed Clinical Professional Counselor (LCPC), my wife is not. She has been trained by Pastors, various Churches, and an assortment of licensed professionals around the United States for the past twelve (12) years but has never gone to college to obtain her Masters degree and eventual licensure.

If my opponent's have a passion to see this bill passed to restrict the counseling profession in Montana then I have an even greater passion to see it defeated or at least modified. We as a couple and family of six (6) stand to lose 40% - 50% of our yearly income if this bill is passes in its present form. My opponents have nothing to lose and everything to gain if this bill is passed and I have nothing to gain and quite a bit to lose if it passes.

So as you're sitting there listening to the various testimonies please keep in mind that this bill will have a much greater impact on non-licensed counselors than it will have on the licensed ones. Some will have their careers and life passion outlawed while others will stand to gain economically due to the smaller competitive market.

I am against SB 226 and ask you to either reject or table this bill before you for the following reasons.

1. On January 1st, 1996 this bill will effectively end the careers of eighty to one hundred counselors in the State of Montana who are not currently licensed by the State.

A superficial inspection of the Yellow Pages for the major markets in Montana indicate that at least eighty (80) people in the state make their living as non-licensed counselors. SB 226 will make it a crime for these people to make their living as counselors unless they go to the time and expense to go back to school to finish degrees, get more degrees, or get supervised in an effort to get licensed.

2. This bill specifically targets and discriminates against private sector counselors by allowing non-licensed counselors, who work within an institutional, governmental or business setting, to continue to practice their trade.

A precursory reading of Section 2, subsection 4-2, a-g, would indicate that this bill does not prohibit counseling by:

Section (a), Certain select professionals.

Section (b), An employee *or volunteer* (added in a recent re-write) of government, education, research, or charitable institution (church?).

Section (c), An employee of a specific business, counseling fellow employees.

Section (d), A student or intern pursuing course work.

Section (e), Certain, temporary non-residents of the State.

Section (F), A new State resident as long as they apply within 90 days.

Section (g), Any counselors-to-be working on their 3,000 hour post-graduate requirements.

It seems that this bill is primarily aimed at those *non-licensed professionals who work in the private sector*. Without sounding too jingoistic here, it would seem that bill serves to empower one group, those counselors licensed by the State of Montana, by silencing and reducing the influence of those who have neither the time nor money nor perhaps the inclination to return to school and/or to submit to the supervision requirements placed on them by the Board of Professional Counselors. If licensed counselors want to legitimize its image then it should do so by promoting itself through educating the public as to its scientific and professional nature rather than attacking and outlawing a class of counselors who are not licensed.

3. The Art vs. the Science of Counseling

By attempting to monopolize the practice of counseling, this bill would set up the State of Montana and its legal representative the Board of Licensed Professional Counselors to decide who is 'fit' to counsel. This bill distills and reduces the activity of counseling and therapy to it's basest scientific parts. Freud was the first to attempt to legitimize what was to become psychiatry and psychology by

conceptualizing and promoting its scientific basis. While the art of counseling certainly has its needed and necessary scientific components, e.g. psychometric tools and psychotropic medications, it is still primarily defined by empathy, nurturance, and 'intuiting the real' in the life of the presenting client. In other words a substantial portion of the art of counseling has to do with qualities that can not be taught by a University but has to do with 'a peculiar giftedness'. Ultimately good counselors can not be promoted, or 'endued with counseling privilege' by an amoral state government, rather a good counselor is 'recognized' and honored by the population he/she serves. This 'recognition', honor and ultimately, confidence, is much the same given to the people who elect legislators or those that choose a Medical Doctor. That is, legislators can only serve and counselors can only counsel as long as the local population has faith in them. In the event that that confidence and faith is lost, that individual is then 'put aside' by the population being served.

The recent and near recent rise and general acceptance in alternative health care practitioners such as Naturopaths, Midwifery, Chiropractitioners, and others indicate that the public is beginning to question the legitimacy of a culture that is based solely on the Medical Model. My wife is a good example of an alternative to this Medical Model. As a Biblical Counselor she is involved in many of the same methods and techniques that licensed counselors use. In fact, Biblical Counselors, Spiritual Directors, and Religious Mentors have been using (and I quote from the definition of 'Professional Counselor' in SB 226) "...those cognitive, affective, behavioral, and systemic counseling strategies, techniques, and methods common to the behavioral sciences" for centuries. A superficial reading of the scripture would indicate that Jesus Christ Himself used many of these counseling strategies that are now being claimed as 'holy ground' by the social and psychological sciences. We moderns have not really 'invented' anything new, we have only codified and described what has always been there. Freud, and Rogers, and Ellis and other counseling theorists like them did

nothing in the way of inventing, they merely observed what has always been human nature.

4. This bill is hastily and poorly written.

While recent re-writes have attempted to modify and generalize this bill by no longer restricting the use of the title 'counselor' (Section 2, subsection 2) and by adding the word 'volunteer' (Section 2, subsection 2,b; I think) this bill actually outlaws everyone else, including other counseling professionals such as social workers and school counselors from, and I quote "...as long as the person does not represent by title or practice that the person is engaging in the practice of professional counseling". This bill first says that it does not prohibit the above mentioned counselors from practicing their trade and then takes it back by prohibiting them from "...engaging in the practice of professional counseling". The definition of the practice of counseling is so broad that it outlaws everyone else from counseling.. It does not matter what the sponsoring group's *good intentions* are, the interpretation of this bill in a court of law will hinge on what the bill actually says.

5. Finally, I would like to address several ideas that may have been thrown about today.

A. The myth of Parity with the other counseling disciplines. If the Licensed Professional Counselors want parity with the other counseling disciplines in Montana then let them continue to pursue professionalism with the utmost rigor. If its so easy and painless for the non-licensed counselors to become more educated and get licensed by the State then let the Licensed Counselors go back to school and become Social Workers and Psychologists.

B. The Myth of the non-licensed counselor's lack of responsibility and accountability. If accountability and responsibility are the issues then let the State of Montana register all non-licensed counselors in the state and officially recognize their non-licensed status. The State could easily

require that non-licensed counselor notify their clients of their status and then let the client decide who they want to see.

C. The Myth of client complaints. As you will note in my comparison study included in this report, at least for the years mentioned, all disciplines logged client complaints. Outlawing a certain class of counselors will not change that. The mental health industry deals with broken relationships and broken people. There will always be complaints because of the volatility of dissatisfied clients and unprofessional professionals. Professionalism is not primarily an educational issue, although it may have certain education components, It is primarily an issue of behavior, of intent and motivation and interpersonal honor and respect.

Conclusions

A Comparative Study of the Correlation between Mental Health Discipline and Client Complaints

<u>Discipline</u>	<u># of Practitioners</u>	<u># of Complaints</u>
Psychiatrists (FYE '94)	55	not available
Psychologists (FYE '93)	189	11
Social Workers(FYE '94)	312	5
Licensed Professional Counselors (FYE '94)	477	10
Unlicensed Counselors (Sept. '94)	Approx. 80	0 ^{1,2}

1. In 1991 there were four (4) complaints against non-licensed counselors. Three (3) of the complaints came from the Montana State Prison due to several non-licensed counselors putting prisoners in solitary confinement. (Personal Communication)

2. The Board of Professional Counselors has no record of receiving any complaints about non-licensed counselors since 1991. (Personal Communication)

DATE 2-17-95

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 401 SB 307 SB 293
SB 226

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
ROBERT HAGSTROM	MYSELF	226		✓
DR. QUINTON R. HEHN	MCMHCA	226	✓	
CARL BODEK	MCMHCA	226	✓	
Carol Steben-Burroughs	MCMHCA	226	✓	
Karen Ferra	MCMHCA	226	✓	
Bum Bum	SELF	226	✓	
TOM FERRO	SELF	226	✓	
Pete Louthridge	OFS			✓
DICK LARSON	MIAAOM	307	✓	
DONALD JAVIS	MMAOM	307	✓	
Roger Wicke		307		✓
Judith Gedrose	DUES			
SCOTT LUKKASON	O'CONNOR F.I.T	401	✓	
Lloyd Linden	MONTANA ADIRECTOR FUNERAL ASSN	401	✓	
NATLYL BRUNO	DCHS/ADHIS	226	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/17/98

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 401, 307, 293, 226

< ■ >

PLEASE PRINT

< ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Jo Rigg		307		✓
DENZEL DAVIS	DHES	293	✓	
Nancy Elley	DSRS	293	✓	
Bridgette Mazurek	MAAOM	307	✓	
Gloria HERMANSON	MT Psychological Assoc	226	Amend	
Cheryl Smith	Commerce POL. - Staff	401	Info Only	
MARY C. NAULIN	POL Bd of SWPC	226	info	
TOM Bump	Acupuncturists	307	✓	
SARA MARIE	MAAOM	307	✓	
Barb Bayer	Acupuncturist	307	✓	
Pat Melby	Rimrock Foundation	226	✓ w/ amendment	
Bob Torres	MT. Chap. NASW	226	✓ w/ Amend.	
Terie Hamrahan	Myself	307	X	
13 J. Holmes	Self	307	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

{Tape: 2; Side: A; Approx. Counter: 485; Comments: NA.}

HEARING ON SB 226

Opening Statement by Sponsor:

SEN. TOM KEATING, SD 5, Billings, said that SB 226 is a bill to clarify the definition of licensed clinical professional counselors (LCPCs). There are various levels of training and ability in counseling within the continuum of mental health services. The definitions of the types of counselors need to be established so the person seeking counseling knows what level of expertise they are receiving. A prepared amendment will be presented for the inclusion of psychiatrists.

Proponents' Testimony:

Dr. Bob Bakko, Licensed Clinical Professional Counselor, Executive Director of Northwest Counseling Centers, mentioned that this was an important bill for counselors in that they share within the mental health provider continuum of care a relationship with psychologists, social workers and psychiatrists. Those titles and practices can't be duplicated or interchanged. Professional counselor as a title is protected under title law, but the practices themselves are not. The problem is that literally anyone in Montana can put out a shingle as a counselor without meeting any minimum standards, training requirements, degrees, or certifications. The primary issue in introducing the change in the law is for consumer protection. If someone is a licensed counselor, they have to practice within the scope of the law and stand at risk for complaints from anyone in the community. It is a painful process to go through and many wish not to be subject to it. There are strict guidelines that must be followed and they are required to keep malpractice insurance. He submitted photocopies of pages from phone books showing examples of mis-representation. EXHIBIT 3

{Tape: 2; Side: B; Approx. Counter: 55; Comments: Side B of the tape is blank and testimony was not recorded due to tape recorder malfunction. Notes from meeting for Tape 2, Side B are submitted as EXHIBIT 4. The names of proponents are listed as shown in the secretary's notes. The meeting resumed on Tape 3, Side A.}

Dr. Quinton Helan, Missoula. EXHIBIT 5

Mary McCue, Montana Clinical Mental Health Counselors.

Bob Torres, NASW.

Gloria Hermanson, Montana Psychology Association.

Darryl Bruno, Alcohol and Drug Abuse Division, SRS.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Counter: 00; Comments: Continuing with questions by REP. KOTTEL.}

REP. DEB KOTTEL asked that under the definition of professional counseling on the first page of the bill would someone not be engaging in professional counseling if they only performed the duties in one of the two subsections under (3) (a).

Ms. McCue stated that she thought the duties in both subsections (i) and (ii) needed to be engaged to be considered professional counseling.

Dr. Bakko explained that there should be an "or" between the two subsections instead of an "and".

REP. BRUCE SIMON asked for clarification as to therapy versus therapist and counselor versus counseling. He referred to the LCPC pamphlet and wanted to know where someone would be in violation if SB 226 was passed. Dr. Bakko said that therapy is counseling and it does not have to be defined within the context of the pamphlet. It is a therapeutic term that is synonymous with mental health providers.

REP. SIMON stated that he was trying to determine where a person might be considered in violation of the statute. Dr. Bakko explained that the person (June Safty Odegard, MS) whose flyer is shown in Exhibit 3, changed the semantics to give the impression that she was qualified, which she might be, but is not licensed. Therapy is an opportunity that has many aspects to it and these include, but are not limited to, counseling, nurturing, confidentiality, clarification and feedback.

Ms. McCue said that the service someone is providing would have to be examined in light of the definition of counseling. If the patient was asked to describe what service was being provided, then it could be compared to the definition.

REP. SIMON said that he felt that the definitions or regulations should be tightened up for therapists and counselors. Ms. McCue explained that the statute for psychologists including definitions and regulations is very clear and lists what is allowed and what is not.

REP. LIZ SMITH reiterated that the title law was not in effect in regard to counselors. Dr. Bakko stated that what she said was true and it protects those who are licensed and the consumers. It was enacted in 1987.

REP. L. SMITH asked if people are not counselors, why have they gotten away with using the word counseling in their advertisements. Dr. Bakko replied that the singular use of the word counseling or counselor is not a protected title, but licensed clinical professional counselor is protected. The reason for SB 226 is so those who violate the statute can be reprimanded.

REP. L. SMITH clarified that the intent of the bill is to protect those words also and what would be wrong with using the word therapist in advertisements. Dr. Bakko referred to page 2 of the bill where definitions are broken down more for further clarification and therapeutic is included. The title as well as the practice needs to be protected.

{Tape: 3; Side: A; Approx. Counter: 500, Comments: NA.}

REP. ELLEN BERGMAN asked how someone could judge if a counselor is entering into an area they are not qualified for. Dr. Bakko said that through the process and re-referrals along with diagnosing, the "fraudulent" counselors are brought forward. The main issue is that if a counselor is not licensed then they are not accountable to anyone if something should go wrong and the consumer would have no guarantee that the "professional" they are seeing meets minimum standards.

REP. BERGMAN said that the public would know and might choose to go to someone they know is not licensed just because the cost is lower. She felt that choice would be taken away from them with this legislation. Dr. Bakko stated that there are very few consumers who know if someone is licensed or certified. There is an assumption made that if someone advertises and sets up shop then they would naturally be qualified.

REP. CAROLYN SQUIRES added that with a license there are some criteria that must be met. There is no mechanism for discipline unless there is a license.

David Niss, Legislative Council, asked for clarification on page 2, section 2, subsection (2), on line 18 where a person is prohibited from representing or engaging in the practice of professional counseling as defined. He also asked for clarification on subsection (4) beginning on line 26 where it states what subsection (2) does not prohibit. He wanted to know why the Senate added on line 27 of page 3 "an activity or service performed by a licensed social worker or licensed psychologist," when they were stricken from subsection (4)(a).

Ms. McCue stated that they would not have a problem adding some language that says they would need to be practicing within the scope of their licensure and ethics. The people listed in subsection (4)(a) cannot represent by title that they are engaging in the practice of professional counseling. Some social

workers and psychologists want to be able to say they are engaging in the practice of professional counseling.

{Tape: 3; Side: B; Approx. Counter: 00; Comments: NA.}

It was agreed that Mr. Niss and Ms. McCue would meet and work out their issues before executive action takes place.

Closing by Sponsor:

SEN. KEATING reiterated that the effort was to protect the phrase "professional counselor" and to protect the public so they can get what they are looking for.

{Tape: 3; Side: B; Approx. Counter: 80; Comments: NA.}

EXECUTIVE ACTION ON SB 271

Discussion:

REP. DEB KOTTEL recounted that SB 271 looked at the issue of when the Department of Family Services makes a decision to remove a child from their home they should try to place the child in the home of an extended family member.

David Niss, Legislative Council, explained the department's amendments.

Motion/Vote: REP. DEB KOTTEL MOVED TO AMEND SB 271. The motion carried unanimously.

Motion/Vote: REP. LOREN SOFT MOVED THAT SB 271 BE CONCURRED IN AS AMENDED. The motion carried 13-0 with REPS. SIMON, HAGENER and SQUIRES voting by proxy.

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL

DATE 3-10-95

NAME	PRESENT	ABSENT	EXCUSED
✓ Rep. Duane Grimes, Chairman			✓
✓ Rep. John Bohlinger, Vice Chairman, Majority	✓		
✓ Rep. Carolyn Squires, Vice Chair, Minority	✓		
✓ Rep. Chris Ahner	✓		
✓ Rep. Ellen Bergman	✓		
✓ Rep. Bill Carey	✓		
✓ Rep. Dick Green	✓		
✓ Rep. Toni Hagener	✓		
✓ Rep. Deb Kottel	✓		
✓ Rep. Bonnie Martinez	✓		
✓ Rep. Brad Molnar		✓	
✓ Rep. [unclear]	✓		
✓ Rep. Liz Smith	✓		
✓ Rep. Susan Smith		✓	
✓ Rep. Loren Soft	✓		
✓ Rep. Ken Wennemar	✓		

EXAMPLES OF MISREPRESENTATION

From local yellow pages

BOZEMAN

NECTIONS
Liz Shanahan, M Coun.
National Certified Counselor
Sexual Abuse Issues
Women's Issues
Comprehensive Individual & Family
Mental Health Services
East Main 585-7167

 **Perceptions**
Counseling Services
Marriage & Family Therapist
Individual & Group
Families
Children
Paula J. Mills, M.S.
No Charge for Initial Visit
WEST YELLOWSTONE, MT
646-4055

Corene LeMieux
M.S.
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Individuals
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emphasis on
Stepfamilies
and
Adolescents
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Bozeman

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Compulsive Behavior Counseling
Therapeutic Massage
Sandace Atwood, MHS, CCDC Carol Habets, BA, CCDC

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6th Floor (CCCC Building)

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Panic Attacks • Menopause
JERRI BEDELL MN RN,C
HOURS 721-5595
BY APPT
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HELENA

HELENA (Cont'd)
FARRELL JAMES MA MTH CDC

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Child & Individual**

BILLINGS

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with it alone, you can rely on us to
help. For over 15 years we've been
counseling individuals and families,
helping them to overcome the most
challenging problems, in a warm
and compassionate setting"

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- BUILDING SELF CONFIDENCE
- DEALING WITH MOOD SWINGS
- BREAKING HABITS & ADDICTIONS
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**779-3339
June Safty Odegard, MS
Marriage & Family Therapist
Box 20
Whitehall, Montana 59270**

Bob Bakko,

to introduce my self and my new business that recently opened in Scohey. I received my Master's in Marriage & Family Therapy from Montana State University in Bozeman. My Bachelor's was in Alcohol & Addiction Studies from Minot State University. I will be offering services that include couple, family, individual and group therapy.

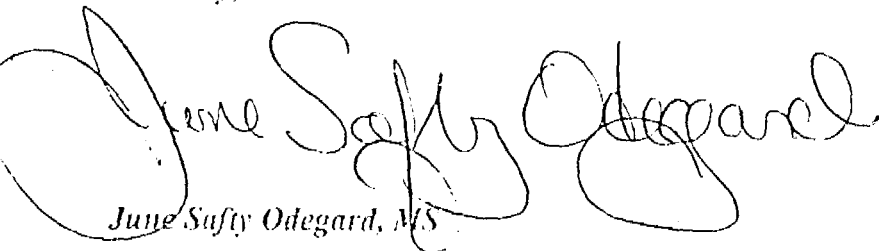
Some of my professional pursuits involve the creation and leadership of a group for couples called BECOMING INTIMATE and the development of a model of marital commitment. Even though working with and researching couples is what I refer to as my passion, I also find working with individuals, families and groups gratifying. Enclosed you will find my brochure.

I was given your name by Carwin Dover and would appreciate your consideration in the future if you consider expanding into Northeastern Montana and hiring another therapist.

*My fees are \$40/session or \$70/2-hour session.
The fee for an initial two-hour consultation is \$100.*

*Please contact me if you have any questions or would like more brochures or business cards.
I appreciate your consideration along with any future referrals.*

Sincerely,



June Safty Odegard, MS

* not licensed

Do I have to be sick or crazy?

This is a common myth. Actually, emotional wellness considers far more than the absence of sickness. Emotional health is the ability to cope or find the resources necessary for resolution. We all find ourselves stuck, broken, bruised or confused. While therapy is helpful during these times, it can also be about awareness, enhancement, and growth. *Prevention is possible.* When exhaustion is reached more financial, physical, spiritual, intellectual, and emotional resources are needed to reestablish.

**Choosing therapy as a resource
is a sign of health not sickness.**

What is Marriage & Family Therapy?

Marriage & Family Therapy perceives the "whole is greater than the sum of its parts." Because we do not exist in isolation, it is helpful to consider how all aspects of relationships interrelate to provide a broader perspective. . . even when working individually. Therefore, relationships are *worked with* rather than discussed when possible. However, individual identities are never sacrificed or families blamed.

How do I get started?

Call to set up an appointment for a consultation.

A consultation is a 2-hour opportunity that allows you to experience the process and discuss why you are considering therapy. A brief history is obtained to explore your goals and expectations. Extra time is allowed to discuss policies, fees and schedules. This allows you to decide if your needs are compatible with my recommendations and services. We can also look at other options that might be available.

If you have questions or would like information regarding fees, please contact me at:

**406-779-2339
Office in Scobey**

provided by
Jane Safty Odegard, MS
Marriage & Family Therapist

*Another Way Therapy
for
Relationships*

Ask about 2/hour sessions or
marathon therapy sessions
which maybe more considerate
of your time & finances.

*what is
therapy
anyway?*

**Answers
to
questions most asked
about therapy**

EXHIBIT 3
DATE 3-10-95

SB 226

What is therapy, anyway?

**Therapy is a process not event.
It encourages you to "fish rather
than catching the fish for you!"**

**Therapy is a process that
requires participation.
It is not something done to you.**

Therapy is *reassuring, revealing,
refreshing, renewing and rewarding.*
That is not to say therapy is always
comfortable. Sometimes the thought of
going to therapy is scary. This makes
sense as fear of the unknown is normal.
At times it is hard to experience the
emotions which are a natural part of
the growth process. Other times change
is stressful even when it is desired.

Therapy is an opportunity to:

*improve relationships
find solutions
generate alternatives
strengthen weaknesses
resolve resentments
navigate life transitions
manage stress
learn communication skills*

Therapy is an opportunity to
explore the interaction of thoughts,
feelings, & behaviors in relationships.
It is not being told what to think, feel, or do.

Therapy is usually considered
when there is a desire for
something to happen differently.

**What can you expect
from me as a therapist?**

confidentiality
**clarification & feedback
support & security
a fresh perspective
objectivity
recommendations
respect & honesty**

As a therapist I do not have a magic
wand or instant cures. However,
you can expect that I will help you
explore, verify, and reach your goals.
You can expect I will help determine
if your goals are realistic and feasible
in the time frame you anticipate.

How long will this take?

The average time is 4-12 sessions.

Sometimes during the process, it is
realized that the initial goal is not the area that
would benefit most from therapy.

Sometimes once the initial goal is reached,
there is more energy to consider other goals.

Other times a stronger foundation is
necessary before goals may be achieved.

Sometimes one revision begins sufficient
movement toward goals.

Other times it takes a while.

Change is a choice!

or perhaps

Positive change is a choice!

People change differently.

**Some choose therapy to
facilitate change.**

Some of those come once.

Some come for a while.

Some come for a long while.

Some come once in a while.

**With therapy change can be
less frustrating and stressful.**

**With or without therapy,
positive change is a choice!**

B226 Tom Keating SD 5 Billings
(475) This is a bill reensing counseling laws;
ape 2 reensing the definition of professional counseling;
side 1) requiring licensure to engage in the practice
of professional counseling or for a person to
represent that the person is a professional
counselor; authorizing counseling by an individual
working to complete certain counseling
requirements; amending sections, a providing a
delayed date. (Left out psychiatrists will amend in)

PRD ① Doctor Bob ^{Bakko} (written) Northwest Counseling (Blo)
Consumer protection - complaints filed -
- strict guidelines -
- malpractice insurance required must have license
must be certified
- Chemical dep counselors - own rules -
No license No due course of action
~~(FAPE 2 of 5 B)~~

Continued... Bill was amended to add volunteers.
Psychiatrist will be added to amend.

② Dr Quinton Helan msla (written pamphlet)
good licensing law

③ Mary McKew mt Clinical Mental Health Counselor
amendments Pg 2 ln 17
'counselors' 'prof counseling' definition different.

(20)

④ Bob Torres, NASW

Bill satisfied private

p

msw, dsw, in their profession. We believe in bill.

⑤ ~~Donna~~ Gloria Hermanson MT Psych Assoc.
does require licensure. Support.⑥ Darryl Bruno Alcohol + Drug Abuse Div.

Supports cert. chem dep counselors.

CCDC license

process for violation of professional ethics.

⑦ None⑧ Soft - Bakko Clarifying
pastor doing counseling. → doesn't affect w/in
the church. laws protect.follow up - people like, go outside church
advertise pastoral counseling → also profession.
2 certification processes ① Clinical ②follow up no CPE program, in div grad. no
certified, private ^{pastoral} spiritual counseling → if person
not professional not violating. → integration with
theology + psych goes on for years. licensed. ^{need}follow up - ~~Don~~ No certified, people
seek out for counseling. then → nothing
unless diagnosing + treatment mental disorders
then wrong.

- 05) ② Kottel - McKew → psych physicians → yes.
may need to amend psychiatrist → Pg 3 ln 3+4
"terminology usage"
follow up - Pg 2 ln 28
Follow up
Follow up Pg 3 ln 7 clarification 'chantable'
Follow up all non profits ~~~
Follow up - conflict statement of purpose
"prof. counselor" not 'counselor'
which is correct → Pg 2 ln 18. 22 heart of bill
(TAPE 3, SIDE 1)

EXHIBIT 5
DATE 3/10/95
SB 226

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Human Services & Aging

DATE 3-10-95

BILL NO. SB 226 SPONSOR(S) Heating

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PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dr. Bob Bakko	Self + MCMHCA	✓	
DR. D. Hehn 415 N. Higgins	MCMHCA	✓	
Mary McCune	" "	✓	
Leanne Young, MA, LCPC 415 N. Higgins Ave	Self + MCMHCA	✓	
David Z. Brown	DCHS / ADH / D	✓	
Bob Jones	MT. CH. NASW	✓	
Gloria Hernandez	MT Psych. Assoc.	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT F
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14

{Tape: 2; Side: A; Approx. Counter: 618; Comments: n/a.}

EXECUTIVE ACTION ON SB 226

Motion: REP. KOTTEL MOVED THAT SB 226 BE CONCURRED IN.

Discussion:

REP. KOTTEL said they had significant discussion about this bill and during that time with the sponsor's approval, she drafted these amendments. She quickly described the nine amendments for SB 226.

{Tape: 2; Side: B; Approx. Counter: 49; Comments: n/a.}

Vote: The motion carried 14-1 with REP. SUSAN SMITH voting no.

Motion: REP. SIMON MOVED THAT SB 226 BE CONCURRED IN AS AMENDED.

Discussion:

REP. MOLNAR said this is another situation where "one group is trying to say if you meet our criteria, then that's fine, you can carry our card." People who are not licensed counselors now are okay, as far as he's concerned, if they don't portray themselves as such.

REP. KOTTEL said any of the individuals who are volunteer or who work even for pay under a 501(c)3 nonprofit corporation, are exempt from this bill. But she believed there was a problem in terms of ethical violations. People who abuse or take advantage of others that are vulnerable. She said the Department receives numerous calls from people victimized by unlicensed counselors, and because they are unlicensed, there's nothing the Department can do. If they are licensed, they can be dealt with. The bill would not stop anyone from being a therapist, a crystal gazer, or any other type of counseling, such as advice or motivational speaking. It would stop people from referring to themselves as a licensed professional counselor and would limit the type of advice given out, such as for severe mental disorders. She thought it was a good compromise and said all the people who wrote to her originally objecting to the bill, understood and accepted the bill as drafted after talking with her. He urged them to accept the bill as well.

{Tape: 2; Side: B; Approx. Counter: 155; Comments: n/a.}

CHAIRMAN GRIMES asked REP. KOTTEL to describe some of the complaints the Department had received.

REP. KOTTEL said there were several examples where in a therapeutic relationship, a woman is vulnerable and transfers to an unlicensed therapist who has no training, and because of her

sensitive mental condition is able to take advantage of her sexually. This is malpractice when a licensed professional counselor or psychiatrist does it, but it is not called rape, it is simply "so what?" She told about a woman who became suicidal where crystals were used in her therapy. Another example was of a counselor who used a restaurant in which to practice therapy and encouraged her client to divorce her husband and leave her children, all in an effort to "find herself." She became very dependent on this counselor to her own and her family's detriment. She said this bill would stop people from representing themselves as professional counselors who treat seriously mentally ill people, and would prevent them from testing or assessing of mental illness cases.

CHAIRMAN GRIMES said he was concerned about the scope of who they are eliminating from counseling and wondered if there might be turf battles. However, he understood her concern for protecting the public.

REP. BERGMAN said they are all concerned about the same thing, but said REP. KOTTEL'S examples were probably not as rare as she indicated. She didn't think that was the point, and said they are discussing whether a person has a right to counsel. She said that being unlicensed doesn't mean a counselor is untrained. They refer clients to more appropriate treatment when they know it's "over their head." Likewise, just having a license doesn't guarantee a good counselor and she said there are unlicensed counselors who have caused problems. She said if the original purpose of the bill was not to let someone say they're licensed, if they're not, then she would agree with it, but didn't think the bill would accomplish this.

{Tape: 2; Side: B; Approx. Counter: 295; Comments: n/a.}

REP. SUSAN SMITH said this bill ought to pass.

REP. KOTTEL clarified that in using the word untrained, it was connected as follows: untrained in conducting assessments and diagnosis. She stated that it takes very specific training to make a proper diagnosis and also to conduct psychological testing. She said her graduate work was in clinical psychology and said one of her frustrations was that they never gave mental illness and mental health the same respect they gave physical illness and physical health. She said there are very defined parameters on who can work on the ankle or the foot and who can operate and said people don't expect to be able to provide medical treatment as they do psychological treatment, and just "because mental illness is not visual, it doesn't mean it's not definable; because assessment is not tangible, it also does not mean it's not definable."

REP. SOFT said there are situations of people acting as certified chemical dependency counselors and while they may have gone through alcoholic treatment, they are not certified. He said the

bill does say that if they're not certified, they can't sell themselves as such.

REP. DICK GREEN said they shouldn't make the mistake of passing the bill thinking it would solve an enforcement problem. He said it's already illegal and the bill wouldn't make it more illegal.

REP. KOTTEL said her understanding of current law is that they would have to refer to themselves as licensed professional counselors to be in violation. Someone could refer to themselves as a professional counselor and not be in violation. The bill would clarify that they don't have to say they're an LPC, just calling themselves a professional counselor would be a violation.

{Tape: 2; Side: B; Approx. Counter: 420; Comments: n/a.}

REP. LIZ SMITH responded to REP. SOFT'S statement in which he discussed the issue of labeling of the position, but she said it would not affect the labeling of professional counselor, but would affect the scope of practice. She asked REP. KOTTEL if the hospice program would be impacted by this bill.

REP. KOTTEL said the hospice program is a nonprofit organization and the counselors would not be referring to themselves as professional counselors and could continue to give bereavement counseling.

REP. SIMON said this is kind of like a "reserve of title" situation. He said they had a turf fight in 1987 over nutritionists. People running health food stores were calling themselves nutritionists. There were people who were trained dieticians who were calling themselves nutritionists. Currently, under the law, if someone goes by the title of nutritionist or dietician, they must be licensed under the board of medical examiners. He said the bill would prevent people from calling themselves by a professional title that would mis-represent their background and training.

REP. BERGMAN asked if taking money for what they do makes them a professional. Several members of the committee commented in agreement that to receive money doesn't not designate professional status.

Vote: A roll call vote was taken on the bill as amended. The motion failed on a tie vote 8-8.

Motion/Vote: REP. SUSAN SMITH MOVED TO TABLE SB 226. The motion carried 13-3 with REPS. CAREY and WENNEMAR voting no. REP. BOHLINGER voted no by proxy.

{Tape: 2; Side: B; Approx. Counter: 688; Comments: n/a.}

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE _____ BILL NO. SB 226 NUMBER _____

MOTION: Do Concur as amended

NAME	AYE	NO
Rep. Duane Grimes, Chairman		✓
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner		✓
Rep. Ellen Bergman		✓
Rep. Bill Carey	✓	
Rep. Dick Green		✓
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez		✓
Rep. Brad Molnar		✓
Rep. Bruce Simon	✓	
Rep. Liz Smith		✓
Rep. Susan Smith		✓
Rep. Loren Soft	✓	
Rep. Ken Wennemar	✓	

8

8

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 3/22 BILL NO. 98226 NUMBER

MOTION: Tabled

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority		✓
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Carey		✓
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez	✓	
Rep. Brad Molnar	✓	
Rep. Bruce Simon	✓	
Rep. Liz Smith	✓	
Rep. Susan Smith	✓	
Rep. Loren Soft	✓	
Rep. Ken Wennemar		✓

Simon
Proxy

13

3

CHAIRMAN GRIMES supported the bill and would research some issues before the floor action.

REP. SQUIRES stated that many of these issues regarding health care services and Medicaid have been addressed in the 54th Legislature, but that the area of the children in the specified levels of poverty had been left out until they were covered under SB 385.

Vote: The motion carried 15-1 with REP. GREEN voting no and REPS. SIMON, L. SMITH and S. SMITH voting yes by proxy.

{Tape: 2; Side: A; Approx. Counter: 150; Comments: NA}

EXECUTIVE ACTION ON SB 226

Motion/Vote: CHAIRMAN GRIMES MOVED TO RECONSIDER ACTION ON SB 226. The motion carried 11-5 with REPS. BERGMAN, GREEN, MARTINEZ, MOLNAR and SIMON voting no and REPS. SIMON, L. SMITH and S. SMITH voting by proxy.

Motion: REP. KEN WENNEMAR MOVED THAT SB 226 BE CONCURRED IN AS AMENDED.

Discussion:

REP. DEB KOTTEL explained that there were technical amendments that would tighten up the language of what it means to be engaged in the therapeutic process, and would include Native Americans who received their certification in chemical dependency counseling.

CHAIRMAN GRIMES stated that he previously had concerns that they were setting up a whole other area of licensing that was not needed, but has changed his mind and supports the bill.

REP. DICK GREEN approved of the bill now that the amendments had been added.

REP. BRAD MOLNAR said that he felt like they were giving licenses to everybody and that the end result is what was important, not just a piece of paper.

REP. LOREN SOFT followed up by saying that there were different levels of counseling, from a daily counseling to a second level where the staff needed to be licensed.

REP. MOLNAR stated that he felt that all the issues covered in the bill were already in place.

REP. KOTTEL said that people can't say they are something that they're not and be misleading. SB 226 would prevent that to a

point and let people know their doctor's scope of practice and qualifications.

Vote: The motion carried 13-3 with REPS. BERGMAN, MOLNAR and SIMON voting no and REPS. SIMON and S. SMITH voting by proxy.

{Tape: 2; Side: A; Approx. Counter: 585; Comments: NA.}

EXECUTIVE ACTION ON SB 17

Motion/Vote: REP. DICK GREEN MOVED TO RECONSIDER ACTION ON SB 17. The motion carried 9-7 with REPS. BOHLINGER, SQUIRES, CAREY, HAGENER, KOTTEL, SIMON, and WENNEMAR voting no and REPS. SIMON, L. SMITH and S. SMITH voting by proxy.

Motion: REP. BRAD MOLNAR MOVED THAT SB 17 BE CONCURRED IN.

Discussion:

REP. JOHN BOHLINGER stated that the system that is in place now is working and should not be changed.

Vote: SB 17 carried 9-7 with REPS. BOHLINGER, SQUIRES, CAREY, HAGENER, KOTTEL, SIMON, and WENNEMAR voting no and REPS. SIMON, L. SMITH AND S. SMITH voting by proxy.

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL

DATE March 31, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. John Bohlinger, Vice Chairman, Majority	✓		
Rep. Carolyn Squires, Vice Chair, Minority	✓		
Rep. Chris Ahner	✓		****
Rep. Ellen Bergman	✓		
Rep. Bill Carey	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Deb Kottel	✓		
Rep. Bonnie Martinez	✓		
Rep. Brad Molnar	✓		
Rep. Bruce Simon		✓	✓
Rep. Liz Smith			✓
Rep. Susan Smith			✓
Rep. Loren Soft	✓		
Rep. Ken Wennemar	✓		



HOUSE STANDING COMMITTEE REPORT

March 31, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 226 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Duane Grimes, Chair

And, that such amendments read:

Carried by: Rep. Kottel

1. Title, lines 7 and 8.

Strike: "AN INDIVIDUAL WORKING TO COMPLETE CERTAIN COUNSELING REQUIREMENTS"

Insert: "CERTAIN INDIVIDUALS ACTING WITHIN THE SCOPE OF THEIR PROFESSIONAL PRACTICE"

2. Page 1, line 24.

Strike: "and"

Insert: "or"

3. Page 2, line 28.

Following: "educator,"

Insert: "chemical dependency counselor accredited by a federal agency,"

4. Page 2, line 29.

Following: "53-24-215"

Insert: ", "

5. Page 3, line 3.

Following: "profession"

Insert: "or, in the case of a qualified member of another profession who is not licensed or certified or for whom there is no applicable code of ethics, from performing duties and services consistent with the person's training,"

Committee Vote:

Yes 13, No 3

741701SC.Hdb

6. Page 3, line 27.

Following: "WORKER"

Insert: ", licensed psychiatrist,"

7. Page 3, line 28.

Following: "PSYCHOLOGIST"

Insert: "when performing the activity or service in a manner
consistent with the person's license and the code of ethics
of the person's profession"

8. Page 4, line 2.

Strike: "(G)."

Insert: ";

9. Page 4, line 3.

Strike: "or"

Insert: "(b)"

Renumber: subsequent subsections

-END-

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE March 31, 1995 BILL NO. SB NUMBER 226

MOTION: Rep. Wennemar moved Do Concur as
amended Kottel

SB 0022601.01.m

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman		✓
Rep. Bill Carey	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez	✓	
Rep. Brad Molnar		✓
Rep. Bruce Simon	By Proxy	✓
Rep. Liz Smith	By Proxy	✓
Rep. Susan Smith	By Proxy	✓
Rep. Loren Soft	✓	
Rep. Ken Wennemar	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE March 31, 1995 BILL NO. SB NUMBER 226

MOTION: Rep. Grimes moved to reconsider action

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman		✓
Rep. Bill Carey	✓	
Rep. Dick Green		✓
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez		✓
Rep. Brad Molnar		✓
Rep. Bruce Simon	By Proxy	✓
Rep. Liz Smith	By Proxy	✓
Rep. Susan Smith	By Proxy	✓
Rep. Loren Soft	✓	
Rep. Ken Wennemar	✓	